IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.1454 OF 2004

Jabaji Mhalu Mahajan & Ors. ...Appellants

Vs.

Popat Mhalu Mahajan & Ors. ...Respondents.

Ms Smita Mane i/b Mr.P.B.Shah for the Appellant

CORAM: A.S.OKA,J.
DATE : FEBRUARY 2, 2005.

P.C.:

1. The Appeal is by the original Defendants challenging the decree of the Appellate Court. The controversy in this Appeal is regarding land regarding Gat No.285. The case of the Appellants is that the Appellant No.1 has purchased the said Gat No.285 from his own income. The reliance is placed on the evidence of the other Defendants in support of the case of the Appellant No.1.

2. The Appellate Court has found that admittedly there was ancestral joint family property bearing Gat No.223. The Appellate Court has found that Appellant No.1 was looking after joint family property i.e. Gat No.223 which was fetching income. Thus, the Appellate Court has held that existence of nucleus was established from which the land bearing Gat No.285 could have been purchased. There is a finding of fact recorded by the Appellate Court that the Appellant No.1 failed to discharge the burden that he acquired the land bearing Gat No.285 from his own fund. There is no

perversity in the findings recorded by the Appellate Court.

There is no merit in the Appeal.

3. Second Appeal is dismissed with no order as to costs.

JUDGE